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Rule 7 Mediator

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Case No. DA-09-0578

HERMAN GONZALES; FAWN LYONS;  
KEN LAUDATO; LAWRENCE  
WALKER; GARY MANSIKKA; GARY  
GALETTI; GREG WHITING; MARVIN  
KRONE; RICHARD BLACK; JIM  
KELLY; CHRIS SOUSLEY; and all  
others similarly situated,

Plaintiffs/Appellees,

vs.

MONTANA POWER COMPANY;  
NORTHWESTERN CORPORATION, a  
Delaware Corporation, as a reorganized  
debtor, subsequent to its plan  
confirmation, hereinafter referred to as  
NOR; NORTHWESTERN  
CORPORATION d/b/a  
NORTHWESTERN ENERGY; PUTMAN  
AND ASSOCIATES, INC., a Montana  
Corporation; and JOHN DOES IV-XX,

Defendants/Appellants.

Montana Second Judicial District  
Court  
Silver Bow County  
Cause No. DV-98-253

**RULE 7 MEDIATOR'S  
STATUS REPORT TO THE  
COURT**

1 A Rule 7, M.R.App.P. mediation was held in this matter on January 6 and 7,  
2 2010, in Bozeman, with all parties and counsel participating. Subject to working out  
3 a number of details, it appears that the Plaintiffs/Appellees have reached a conceptual  
4 settlement agreement with Defendants/Appellants Northwestern Corporation (as a  
5 reorganized debtor) and Putman and Associates, Inc. The attorneys for these parties  
6 are presently working on these final details and expect to have them resolved during  
7 the week of January 18, 2010. The conceptual settlement includes the issues between  
8 the parties in this appeal, exclusive of Montana Power Company and, additionally,  
9 claims pending before the Workers Compensation Court in two additional class  
10 actions. A conceptual settlement was NOT reached between Plaintiffs/Appellees and  
11 Defendant/Appellant Montana Power Company.  
12  
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14 Northwestern Corporation has represented to the Mediator that it agrees to file  
15 the appropriate motions in the Bankruptcy Court for the District of Delaware to  
16 provide a thirty-day stay of briefings and related hearings in a motion pending in that  
17 Court, to allow the parties to focus their attentions on settlement details.  
18

19 I am advised that the briefing schedule issued by this honorable Court calls for  
20 the filing of Appellants' opening briefs on or before January 22, 2010. Given what  
21 appears to be an imminent settlement among many of the parties to this appeal, I  
22 respectfully suggest the briefing schedule as it relates to those parties involved in the  
23 conceptual settlement be vacated pending their efforts to **obtain a resolution of the**  
24 **appeal as to some of the parties.** If the Court is inclined to agree, I would commit  
25 to providing a second status report no later than January 22, 2010. In the meantime  
26  
27

1 the Mediator respectfully requests an appropriate order staying the briefing for  
2 Northwestern Corporation and Putman and Associates.

3 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of January, 2010.  
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8 Tracy Axelberg  
Rule 7 Mediator  
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